

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN RAMOS

v.

ROBERT MARSH, et al

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CIVIL ACTION

NO. 19-cv-00666-MAK

ORDER

For the reasons stated in my Memorandum Opinion of this date, it is on this 18th day of May, 2020

ORDERED

1. That the Federal Defender's Office is appointed as counsel to represent Mr. Ramos in this matter;
2. Mr. Ramos, through counsel, shall file a Reply to the Commonwealth's response (ECF 14), which shall be no longer than 30 pages, 12-point font, double-spaced, exclusive of exhibits;
3. The Reply shall be filed on or before June 26, 2020;
4. The Reply may address such issues as counsel deems appropriate, but must address at least the following: 1) whether *Martinez* should apply in this case to excuse the procedural default of the ineffective assistance of trial counsel claim based on a faulty reasonable doubt instruction; 2) whether trial counsel was ineffective, under *Strickland*, for failing to object to the instruction; 3) whether, if *Martinez* applies to forgive the procedural default, I should address the alleged instructional error *de novo* or under the deferential standard provided in 28

U.S.C. § 2254(d)(1); 4) whether an evidentiary hearing is permitted, and whether an evidentiary hearing is advisable.

5. Within 30 days of the date the Reply is filed, the Commonwealth shall file a Supplemental Response. The same page limits apply to the Supplemental Response as to the Reply.

BY THE COURT:

s/Richard A. Lloret
RICHARD A. LLORET
U.S. Magistrate Judge